



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#37 AF  
LT4807  
12/02/03

In re application of:

ROBIN M. MILLER

Serial No.: 09/090,071

Filed: June 3, 1998

For: HEADS-UP DISPLAY WITH IMPROVED CONTRAST

Attorney Docket No.: LUTA 0177 PUS (11567)

Group Art Unit: 2674

Examiner: Nguyen, Kevin M.

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**REPLY BRIEF UNDER 37 C.F.R. § 1.193**

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Sir:

This Reply Brief is in reply to the Examiner's Answer mailed on November 13, 2003. The Examiner's Answer is in response to the Supplemental Appeal Brief III filed by the Applicant on August 14, 2003.

**CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8**

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**Applicant's Reply to (11) Examiner's Response to Argument**

The claimed invention generally differs from any combination of Fukatsu and Kadomuki in that a fill pattern for the HUD is selected dependent upon the texture or structural features of the environmental image in order to contrast the HUD relative to the environmental image. The selected fill pattern for the HUD contrasts to the texture and structural features of the environmental image. (See FIGS. 3A and 3B of the Applicant's disclosure). Neither Fukatsu nor Kadomuki teach or suggest selecting a fill pattern for the HUD dependent upon the texture or structural features of the environmental image in order to contrast the HUD relative to the environmental image.

Specifically, Kadomuki does not teach or suggest selecting a fill pattern for a HUD which contrasts to either the texture and structural features of an environmental image. In contrast, Kadomuki teaches controlling the display position, color, or brightness of a HUD dependent upon the color or brightness of an environmental image.

The Examiner posited on pages 3 and 5 of the Examiner's Answer that Kadomuki teaches a HUD including the symbol (B) for selecting an appropriate fill pattern (citing figures 2-5 and pages 9-10) for the symbol dependent upon the landscape, the trees, and the road information in order to contrast sufficiently between the respective colors of the landscape, trees, and the road information relative to a background (citing figures 7-8 and 10 and page 13, line 17 through page 15). The Examiner posited on page 6 of the Examiner's Answer that Kadomuki teaches selecting a fill pattern for the displayed symbol (B) because “the symbol fills and changes pattern of color from bright to dark as shown in figures 3A and 3C’ for the HUD dependent upon texture or structural features of the environmental image . . .”

The claimed invention differs from Kadomuki in two respects. First, the claimed invention determines the texture or structural features of an environmental image as opposed to determining the color or brightness of an environmental image as disclosed by Kadomuki. Second, the claimed invention selects a fill pattern for the HUD symbol as opposed to selecting the position, color, or brightness of the HUD symbol as disclosed by Kadomuki.

With respect to the second respect, the Examiner's contention appears to be that Kadomuki's "symbol fills and changes pattern of color from bright to dark" implies that Kadomuki selects a fill pattern for the HUD symbol. The Applicant disagrees that selecting color and/or brightness is equivalent to selecting a fill pattern. Webster's Dictionary has the following definitions:

the word "fill" as "to take up or occupy all or nearly all the capacity, area, or extent of";

the word "pattern" as being "an arrangement of form; disposition of parts or elements; design";

the word "color" as being "the property of reflecting light of a particular wavelength"; and

the word "brightness" as being "the luminous aspect of a color (as distinct from its hue) which it is regarded as approaching the maximum luminance of pure white or the lack of luminance of pure black."

The Applicant believes that these definitions illustrate that selecting a fill pattern for a HUD symbol is not equivalent to either selecting a color or brightness for the HUD symbol or changing the "pattern of color" of the HUD symbol.

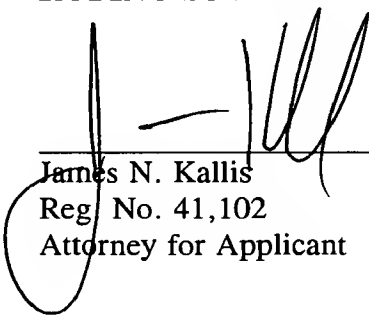
Therefore, the claimed invention is patentable under 35 U.S.C. § 103(a) over Fukatsu and Kadomuki as neither of these references, alone or in combination, teach or suggest

selecting an appropriate fill pattern for a HUD dependent upon the texture or structural features of an environmental image in order to contrast the HUD relative to the environmental image.

In view of the foregoing, the Applicant respectfully requests that the Appeal Board rule that independent claims 18 and 20 are patentable under 35 U.S.C. § 103(a) over Fukatsu and Kadomuki.

Respectfully submitted,

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Date: November 20, 2003

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